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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

8 LEROY WILLIAMS,

9 Plaintiff,

10 v.

11 VICKI SAKOTA,

12 Defendant.

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) Case No. C10-23-JCC-BAT

) **REPORT AND**
) **RECOMMENDATION**
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13 Plaintiff, a prisoner at the Washington Corrections Center in Shelton, Washington,
14 proceeding pro se and in forma pauperis has filed a complaint under 42 U.S.C. § 1983. Dkt. 6.
15 He names a sole defendant, Swedish Hospital doctor Vicki Sakota, and alleges she aided in the
16 kidnapping and assault of plaintiff's children by the Seattle Police Department. He also alleges
17 that there is "no contract" between him and defendant Sakota for her to speak to, care for,
18 question, or medicate his children and that he gave her no authority or power of attorney over his
19 children. *Id.*

20 On February 11, 2010, the Court issued an Order directing plaintiff to show cause within 30
21 days why the case should not be dismissed for failure to state a claim. Dkt. 8. Because of an
22 address change, the Order was resent to plaintiff on February 23, 2010. Specifically, the Order
23 informed plaintiff that (1) the complaint named a doctor who worked in a private hospital and

1 thus failed to identify a viable defendant against whom a § 1983 action may be brought, (2) the
2 relief plaintiff seeks is not connected to a § 1983 action, and (3) that if the action involves the
3 lawfulness of plaintiff's criminal confinement it would be barred under *Heck v. Humphrey*, 512
4 U.S. 477 (1994).

5 The Order also informed plaintiff the failure to timely respond and show cause why the
6 action should not be dismissed for failure to state a claim would result in a recommendation that
7 the case be dismissed. As of this date, plaintiff has not responded and shown cause why the
8 matter should not be dismissed.

9 For the foregoing reasons, and for the reasons outlined in the Court's previous order
10 (Dkt. 8) the Court recommends the matter be **DISMISSED** with prejudice for failure to state a
11 claim on which relief can be granted under 28 U.S. C. § 1915 (e)(2)(B)(ii). A proposed Order
12 accompanies this Report and Recommendation.

13 The Clerk is directed to send a copy of this Report and Recommendation to plaintiff and to
14 the Honorable John C. Coughenour.

15 DATED this 29th day of March, 2010.

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19 BRIAN A. TSUCHIDA
20 United States Magistrate Judge
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